

REMARKS

Applicant requests reconsideration and allowance of the present application in view of the following remarks.

Claims 1-15 are pending in the present application. Claims 1, 4, 7, and 11 are the independent claims.

No claims have been amended by the present Request.

Claims 1-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,644,325 (King et al.) in view of U.S. Patent No. 5,809,366 (Yamakawa et al.). All rejections are respectfully traversed.

Independent claim 1 recites, inter alia, detecting a minimum pixel level value in a checked region of a selected R,G,B component [which is a selected one of an R, a G, or a B component of an R,G,B, signal].

Independent claim 4 recites, inter alia, a minimum value detector detecting a minimum pixel level value in a particular region of a selected R,G,B component input, the selected R,G,B component being an R, a G, or a B component of received R,G,B signals.

Independent claim 7 recites, inter alia, detecting a minimum pixel level value of an R,G,B, component selected from received R,G,B signals, the selected R,G,B, component being an R, a G, or a B component of received R,G,B signals.

Independent claim 11 recites, inter alia, an abnormal state detector detecting an abnormal video signal in an R,G,B component selected from among received R,G,B signals based on a comparison of a detected pixel level value of the R,G,B component and a predetermined value, the selected R,G,B component being an R, a G, or a B component of received R,G,B signals.

However, it is respectfully submitted that the asserted combination does not teach or suggest at least the aforementioned features of independent claims 1, 4, 7, and 11.

Summary of Argument

Applicant acknowledges the Office's claim interpretation, as exemplified by claim 1, set forth at page 6 of the Office Action. However, the stated claim interpretation is incorrect and without basis in fact. Thus, the outstanding rejection, which is based on the erroneous interpretation, is deficient. For at least this reason, the rejection of the claims is traversed.

The § 102 Rejection is Deficient Because
It Is Based on an Erroneous Interpretation of the Claims

At page 6 of the Office Action, the Office justifies the continued rejection of the claims and counters the patentability arguments presented in the Amendment entered July 7, 2006 by explaining that:

Examiner recites portions of claim 1 which recite “setting a region of the selected R,G,B component to be checked” and “detecting a minimum pixel level value in the checked region of the selected R,G,B component” and points out to said portion as reciting a region of said components and not a region of an individual components.

(Office Action, page 9). However, for at least the reasons set forth below, this interpretation of the claims, as exemplified by claim 1, which the Office concedes deviates from the language of the claims, is incorrect.

First, the Office’s interpretation of the claims, as exemplified by claim 1, is contrary to the express language of the claims. The term “selected R,G,B component” is expressly defined in this claim as being a selected one of “an R, a G, or a B component of an R,G,B, signal.” (See claim 1, lines 3 and 4). In other words, the phrase means an R component, a G component, or a B component. As a result, the features of “setting a region of the selected R,G,B component to be checked” and “detecting a minimum pixel level value for the selected R,G,B component” can only be properly interpreted to mean “setting a region of the selected one of the R, the G, or the B component of the R,G,B signal” and “detecting a minimum pixel level value for the selected one of the R, the G, or the B component of the R,G,B signal.” Any other construction ignores the express definition of “selected R,G,B, component” and violates well settled law. (See In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) (holding that all words in a claim must be considered in judging the patentability of that claim against the prior art). Further, this interpretation was explained to the Office at the second to last paragraph at page 6 of the Amendment entered July 7, 2006. Thus, the Office is without justification for deviating from the clear and express language of the claims.

Second, interpreting the claims in the manner explained by the Office Action is contrary to rules of English language grammar. For example, nowhere in claim 1 is the word “components” recited. Rather, only instances of “component” are present in claim 1. Indeed, emphasized below are the many instances where the word component is recited I claim 1 and, in

context, requires construction in the singular:

1. (PREVIOUSLY PRESENTED) A method of detecting an abnormal video signal in a display device, comprising:
selecting an R, a G, or a B **component** ... as a selected R,G,B **component** and setting a region of the selected R,G,B **component** to be checked;
detecting a minimum pixel level value in the checked region of the selected R,G,B **component** ...

It is for this reason that the Office Action concedes that the Office's interpretation deviates from the plain language of the claims. (Office Action, page 6).

For either of the above reasons individually, the Office's construction of the claims, as exemplified by claim 1, (i.e., that the selected R,G,B, component must mean more than one component and that the region of the selected R,G,B component means a region of RGB components) cannot be proper.

For this reason alone, the rejection under §102 is traversed.

The Cited Art Teaches Away From Independent Claims 1, 4, 7, and 11

The Office Action acknowledges that the primary citation to King et al. does not disclose the aforementioned features of independent claims 1, 4, 7, and 11. (Office Action, pages 2 and 3).

The Office Action asserts, citing Col. 14, lines 27-31, that Yamakawa et al. teaches the aforementioned features of independent claims 1, 4, 7, and 11. (Office Action, pages 3 and 6). However, the cited portion of Yamakawa et al. merely discusses adjusting the color balance of a scanned image at points selected by a user. **Absent from this cited portion of Yamakawa et al. is any teaching or suggestion of checking a portion of a selected R component, a G component, or a B component of an RGB signal.** Instead, Yamakawa et al. expressly teaches that colors of a user selected image are calibrated based on colors selected by a user. (Yamakawa et al., Col. 14, lines 35-38) (emphasis added). Stated another way, Yamakawa et al. requires consideration of plural colors. In contrast, independent claims 1, 4, 7, and 11 variously recite setting and detecting of an R, a G, or a B component of an RGB signal. Therefore, Yamakawa et al. teaches away from the claimed invention.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claims 1, 4, 7, and 11 under 35 U.S.C. § 103 are respectfully requested.

In view of the foregoing, Applicant respectfully submits that the independent claims

patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

Applicant believes that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.


There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 11-9-06

By: 
Michael E. Kondoudis
Registration No. 42,758

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501